

REMARKS/ARGUMENTS

Favorable reconsideration of this application in view of the above amendments and in light of the following discussion is respectfully requested.

Claims 1, 2, 4, 6-18, and 33-55 are pending in this case. The present Amendment amends Claims 1, 4, 6, 33, 35-38, 41, 42, 44, and 51; cancels Claims 3, 5, and 19-32 without prejudice or disclaimer; and adds Claims 53-55 without introducing any new matter.

In the outstanding Office Action, Claims 1-10, 12, 13, 16-18, 33-38 and 51-52 were rejected under 35 U.S.C. § 102(b) as anticipated by Suzuki (U.S. Patent No. 6,047,435); and Claims 11, 14, 15, 39-41, and 45 were rejected under 35 U.S.C. § 103(a) as unpatentable over Suzuki in view of Brown (U.S. Patent Publication No. 2002/0000017).

Claims 46-50 were allowed. Claims 42-44 were objected to were objected to, but indicated as allowable if rewritten in independent form. The indication of allowed and allowable subject matter is gratefully acknowledged. In response to the indication of allowable subject matter, Claim 44 is rewritten in independent form including all of the limitations of its base Claim 33. Additionally, Claim 44 is amended to recite “each of said plurality of extensions having a first end coupled to said connecting region and a second free end” to clarify antecedent basis within Claim 44. Accordingly, it is respectfully submitted that amended independent Claim 44 is allowable as acknowledged in the Office Action.

In response to the acknowledgement of the Restriction Requirement, Claims 19-32, directed to non-elected inventions, are canceled. Applicant reserves the right to present claims directed to the non-elected inventions in a divisional application, which shall be subject to the third sentence of 35 U.S.C. § 121.¹

Dependent Claims 4, 6, 35-38, 41 and 42 are amended to address informalities resulting from the amendments to independent Claims 1 and 33, which are discussed in

¹ “A patent issuing on an application with respect to which a requirement for restriction under this section has been made ... shall not be used as a reference ... against a divisional application.” See also MPEP § 804.01.

further detail below. In view of their formal nature, the amendments to dependent Claims 4, 6, 35-38, 41 and 42 do not raise a question of new matter.

New Claims 53-55 are added. New Claims 53-55 find support, for example, at paragraphs 34, 43, 44, and 47 of the specification as originally filed, with reference to Figures 2 and 3. Thus, new Claims 53-55 do not raise a question of new matter.

It is respectfully submitted that all of the claims are in condition for allowance.

Independent Claim 1 relates to a device that includes a first and second sheet in which the first sheet is connected to the second sheet in a connecting region. The device also includes a cavity formed between the two sheets on one side of the connecting region, and at least one flexible strip formed on another side of the connecting region opposite to the one on which the cavity is formed.

Independent Claim 1 is amended to recite that the at least one flexible strip includes a plurality of flexible extensions. Each of said plurality of extensions have a first end coupled to the connecting region and a second free end. The plurality of flexible extensions include at least one extension in which *the second free end is spaced from a perimeter border* of said one of said first and second polygonal sheets. This amendment finds support in the specification as originally filed and thus does not raise a question of new matter.²

Turning to the applied reference, Suzuki describes a cleaning apparatus that includes a cleaning cloth. As illustrated in Figure 12, Suzuki describes that the cleaning cloth includes two square non-woven fabrics, 310 and 310, that are sewn together in an inverted U-shape along the line L.³ Suzuki describes that the line L separates a cleaning portion 32, which

² See, for example, paragraphs 43, 44, and 47 of the specification as originally filed, with reference to Figures 2 and 3.

³ See Suzuki, at column 20, lines 53-56.

includes a flat insertion space S, from a dusting portion 33.⁴ The dusting portion 33 consists of a plurality of strap-like dusting elements 330.⁵

However, Suzuki fails to disclose or render obvious a device including a plurality of flexible extensions with at least one extension in which *the second free end is spaced from a perimeter border* of one of a first and second polygonal sheets. Turning once again to Figure 12, Suzuki describes that “strap-like dusting elements 330 which are formed by cutting 33a the non-woven fabrics 310, 310 in a zigzag pattern from the *peripheral edge portions* to the areas in the vicinity of the sewn areas.”⁶ Thus, dusting elements 330 have a free end on the peripheral edge portions of the square fabrics 310. A end located at a peripheral edge of one of the cloths 310 is not *a second free end is spaced from a perimeter border*, as claimed. Accordingly, as Suzuki does not disclose or suggest the features of amended independent Claim 1, it is submitted that amended independent Claim 1 and the claims depending therefrom are in condition for allowance.

Claim 33 as amended is directed to device including first and second polygonal sheets connected to each other in a connecting region. Each of the polygonal sheet has a perimeter border. A cavity is formed between the first and second polygonal sheets and on one side of the connecting region. The device also includes a plurality of flexible extensions extending on another side of the connecting region opposite to the one side on which the cavity is formed. The plurality of flexible extensions are formed of at least one of the first and second polygonal sheets. Each of said plurality of extensions include a first end coupled to the connecting region and a second free end. At least one of the second free ends is disposed at a portion of one of said first and second polygonal sheets *other than said perimeter border* of said one of said first and second polygonal sheets. Support for the amendments to Claim 33

⁴ See Suzuki, at column 20, lines 57-60.

⁵ See Suzuki, at column 20, line 66 to column 21, line 3.

⁶ See Suzuki, at column 20, line 66 to column 21, line 3.

can be found in the claims and the specification as originally filed and therefore do not raise a question of new matter.⁷

Although Suzuki describes a cleaning cloth that includes strap-like dusting elements and an insertion space, the strap-like dusting elements described in Suzuki are not disposed at a portion of a polygonal sheet other than the perimeter border of the polygonal sheet. As discussed above, the Suzuki describes that the dusting elements 330 have free ends located at a peripheral edge of square cloths 310. Free ends of dusting elements 330 disposed at a ***peripheral edge*** of the square shaped cloth 310 are not a free end disposed at a portion of one of a first and second polygonal sheets ***other than a perimeter border*** of one of the first and second polygonal sheets, as claimed. Accordingly, as Suzuki does not disclose or suggest the features of Claim 33, it is submitted that Claim 33 and the claims depending therefrom are in condition for allowance.

With respect to the rejection of dependent Claims 11, 14, 15, 39-41 and 45 as obvious over Suzuki in view of Brown, Brown fails to cure the deficiencies in Suzuki discussed above. Accordingly, it is submitted that dependent Claims 11, 14, 15, 39-41 and 45 are in condition for allowance.

Claim 51 is also amended. Claim 51 is directed to a device that includes a cavity that is defined on one side of a connecting region and between a first sheet and a second sheet, in which at least part of the connecting region is spaced from a rectangular perimeter of the first sheet. Amended Claim 51 also recites that at least part of one of the first and second sheets *is impregnated with a hair care product*. The amendment to Claim 51 finds support in the specification as originally filed and therefore does not raise a question of new matter.⁸

⁷ See, for example, paragraphs 43, 44, and 47 of the specification as originally filed, with reference to Figures 2 and 3.

⁸ See, for example, paragraphs 34 of the specification as originally filed.

The Office Action acknowledges that Suzuki fails to describe sheets impregnated with a hair care product, but cites Brown as correcting this deficiency.⁹ However Brown is a dusting mitt that is not in any way concerned with the application of any type of hygienic product. Indeed, Brown states that the “dusting and cleaning mitt according to the present invention is primarily intended for use on dry, hard surfaces. Use with any kind of polish or liquid is not recommended as the product may pass through the fabric and come into contact with the user's hand.”¹⁰ Nevertheless, the Office Action asserts that it “would have been obvious to one of ordinary skill in the art to provide the device of Suzuki with an oil thereon, as clearly suggested by Brown, to enhance cleaning by the device. Such oil is considered as a cosmetic product that can treat hair, at least as far as defined.”¹¹ In making this assertion, the Office Action appears to be referring to paragraph 20 of Brown, which describes treating the surface of the dusting mitt with a tackifying agent. In particular, Brown states:

The tackifying agent according to the present invention may be any substance that can be applied as a liquid to cause the surface of the material to render its surface sticky. Non-limiting examples of tackifying agents according to the present invention may include various oils (including synthetic, paraffinic, and silicone oils), silicone fluids, waxes (applied as liquids or emulsions), and/or surfactants, with preferred substances having a solid or paste-like consistency at room temperature, or substances that show only minimal transfer to the surface to be cleaned.

This list of tackifying substances is preceded by a statement that the dust mitt is preferably made of a material “able to attract and retain common household dirt, such as dust, hair, dander, etc.”¹² It is respectfully submitted that the oils listed in Brown are included as examples substances satisfactory for the purpose of “attracting and retaining common household dirt,” and do not disclose or suggest *a hair care product*. Accordingly, as any

⁹ See the outstanding Office Action at page 3.

¹⁰ See Brown, at paragraph 31.

¹¹ See the outstanding Office Action at page 3.

¹² See Brown, at paragraph 18.

combination of Suzuki and Brown fails to disclose or suggest the features of Claim 51, it is submitted that Claim 51 and the claims depending therefrom are in condition for allowance.

New independent Claim 53 is directed to a device including a first sheet and a second sheet, in which the first sheet is connected to the second sheet in a connecting region. At least part of one of the first and second sheets is impregnated with a hair care product. As discussed above, any reasonable combination of Suzuki and Brown fails to disclose or suggest first and second sheets connected in a connecting region where at least part of one of the first and second sheets is impregnated with a hair care product. Accordingly, new independent Claim 53 is believed to be in condition for allowance.

New dependent Claims 54 and 55 are allowable for at least the same reasons as independent Claim 53 from which they depend, as well as for their own features particularly in combination with independent Claim 53. The allowance of new dependent Claims 54 and 55 is therefore requested.

Consequently, for the reasons discussed in detail above, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. Therefore, a Notice of Allowance for Claims 1, 2, 4, 6-18, and 33-55 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact the undersigned representative at the below listed telephone number.

Respectfully submitted,

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